

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

THE STATE OF TEXAS,

Plaintiff,

v.

No. 3:21-cv-309

JOSEPH R. BIDEN, *et al.*,

Defendants.

NOTICE

A nationwide preliminary injunction blocking enforcement of the vaccine-related provisions of Executive Order 14042 remains in effect until the Eleventh Circuit's mandate in *Georgia v. President of the United States* issues on October 18, 2022. *See* 46 F.4th 1283 (11th Cir. 2022). Defendants respectfully notify the Court that the Safer Federal Workforce Task Force has recently issued guidance directing agencies to take no action to enforce contract clauses implementing EO 14042, even after October 18. The guidance is posted online at <https://www.saferfederalworkforce.gov/contractors/>.

As the new guidance notes, the Task Force intends to begin a process to update its COVID-19 safety protocols for covered contractor and subcontractor workplace locations. Once the Task Force issues its updated protocols, the Director of the Office of Management & Budget (OMB) will determine whether compliance with the updated protocols would promote economy and efficiency in Federal contracting. If the OMB Director in fact determines that compliance would promote economy and efficiency, she will publish her determination in the Federal Register. At that point, OMB will provide additional guidance to agencies on the timing and considerations for provision of written notice from agencies to contractors regarding enforcement of contract clauses implementing EO 14042, except as barred by any applicable injunctions.

Dated: October 14, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BRAD P. ROSENBERG
Assistant Director

/s/ Madeline M. McMahon
MADELINE M. MCMAHON
D.C. Bar No. 1720813
LEE REEVES
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street N.W.
Washington, DC 20005
(202) 451-7722
madeline.m.mcmahon@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

On October 14, 2022, I electronically submitted this document to the Clerk of Court for the U.S. District Court for the Southern District of Texas using the Court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Madeline M. McMahon
MADELINE M. MCMAHON
Trial Attorney
U.S. Department of Justice